



CIVILITY PLEDGE

The way we govern ourselves is often as important as the positions we take. Our collective decisions will be better when differing views have had the opportunity to be fully vetted and considered. All people have the right to be treated with respect, courtesy and openness. We value all input. We commit to conduct ourselves at all times with civility and courtesy to each other.

ALAN HALLMAN
MAYOR

MIKE RAST
ALDERMAN AT LARGE

BRETT REICHERT
COUNCILMAN AT
LARGE

MARK ADAMS
COUNCILMAN WARD I

CHLOE ALEXANDER
COUNCILMAN WARD II

MAYOR AND COUNCIL WORK SESSION

Join in person at 700 Doug Davis Drive, Hapeville, GA 30354, or visit the City's Website for live stream meetings at <https://ga-hapeville3.civicplus.com/562/Agendas-and-Minutes>

May 16, 2023 6:00 PM

AGENDA

1. CALL TO ORDER:

2. ROLL CALL:

Alan Hallman
Mike Rast
Brett Reichert
Mark Adams
Chloe Alexander

3. WELCOME:

4. PRESENTATIONS:

5. PUBLIC HEARING:

- 5.I. Consideration and Action of a Special Use Permit request to operate a personal care home at 601 Coleman Street

Background:

Lonise Dorante is requesting a Special Use Permit to operate a personal care home at 601 Coleman Street, Parcel Identification Number 14-0099-0003-120-6. The property is zoned V, Village and is subject to the zoning regulations under Section 93-11.1-5 (Special uses) of the City of Hapeville Zoning Ordinance.

The Planning Commission considered this item on May 9, 2023 and recommended approval subject to satisfaction of the conditions outlined in the Planner's report. Staff supports their recommendation.

Staff Comments:

Applicant Comments:

Public Comments:

Supporting Document(s):

1. Application - 601 Coleman Street_CUP_Redacted
2. Plans - 601 Coleman Street_CUP
3. Planner's Report - 601 Coleman St SUP_Personal Care Home
4. Legal Adv. 5-16-2023_601 Coleman St_CUP
5. Summary Minutes - 5-09-2023

6. QUESTIONS ON AGENDA ITEMS:

The public is encouraged to communicate their questions, concerns, and suggestions during Public Comments. The Council does listen to your concerns and will have Staff follow-up on any questions you raise. Any and all comments should be addressed to the Governing Body, not to the general

public and delivered in a civil manner in keeping with common courtesy and decorum.

7. CONSENT AGENDA:

7.I. Consideration and Action to approve the May 2nd Council Meeting minutes.

Supporting Document(s):

1. 05022023 Drafted Mins

7.II. Consideration and Action to enter into a Memorandum of Understanding with the Georgia Department of Community Affairs for participation in the Georgia Classic Main Street Program.

Background:

This establishes the City's Main Street Board as a Classic Main Street Program under the new guidelines of the Department of Community Affairs.

Supporting Document(s):

1. 2023-2024 Classic_Main Street MOU_Hapeville (1)

8. OLD BUSINESS:

9. NEW BUSINESS:

9.I. Consideration and Action to Approve a Moratorium on New Construction Multifamily Dwelling

Background:

The City has experienced a recent rapid increase in multifamily developments over the last several years. The growth is placing an added burden on public utilities, public infrastructure, public safety services, and has caused an increase in traffic congestion. Mayor and Council recognize there may be negative impacts to health, safety and welfare to the citizens of the city and the burdens on the city should the City not take immediate measures to protect against additional commercial and residential multifamily housing developments. The Mayor and Council requested the Planning Commission review, comment, and consider action on the drafted ordinance to restrict review and approval of Multifamily Developments for a period of no less than 6 months.

The Planning Commission discussed this item at their meeting on Tuesday, May 9, 2023. The summary minutes from their meeting are included in your agenda packet.

Supporting Document(s):

1. Moratorium on Multifamily Development Ordinance (003)
2. Summary Minutes - 5-09-2023

10. CITY MANAGER REPORTS:

11. PUBLIC COMMENTS:

Members of the public wishing to speak shall sign in with the City Clerk prior to the start of the meeting. Time limitations for Registered Comments are three (3) minutes per person. The total Registered Comment session shall not last more than fifteen (15) minutes unless extended by Council. Each member of the public, who fails to sign up with the City Clerk prior to the start of the meeting, wishing to address Mayor and Council shall have a total of two (2) minutes. The entire general comment session for Unregistered Comments shall not last more than ten (10) minutes unless extended by Council.

12. MAYOR AND COUNCIL COMMENTS:

13. EXECUTIVE SESSION: *When Executive Session is Required one will be called for the following issues: 1) Litigation O.C.G.A. §50-14-2; 2) Real Estate O.C.G.A. §50-14-3(b)(1); or 3) Personnel O.C.G.A. §50-14-3(b)(2).*

14. ADJOURN:

Public involvement and citizen engagement is welcome as Hapeville operates a very open, accessible and transparent government. We do however remind our attendees/residents that there are times allocated for public comments on the agenda. In order for council to conduct their necessary

business at each meeting, we respectfully ask that side-bar conversations and comments be reserved for the appropriate time during the meeting. This will allow the City Council to conduct the business at hand and afford our meeting attendees ample time for comments at the appropriate time during the meeting.

23-PC-15-11

CITY OF HAPEVILLE
ECONOMIC DEVELOPMENT DEPARTMENT
PLANNING COMMISSION APPLICATION

Name of Applicant Donise DDIante

Mailing Address: 601 Coleman St, Hapeville, GA 30354

Telephone 470 533 1122 Mobile # [REDACTED] Email LovelyHomecareINC@gmail.com

Property Owner (s) DR. DONAVON CHRISTIE

Mailing Address _____

Telephone _____ Mobile # _____

Address/Location of Property: 601 Coleman St, Hapeville GA 30354

Parcel I.D. # (INFORMATION MUST BE PROVIDED): 14-0099-0003-1206

Present Zoning Classification: C Size of Tract: 0.69 acre(s)

Present Land Use: Personal care home / Assisted Living

Please check the following as it applies to this application

☐ Site Plan Review

☒ Conditional Use Permit

☐ Temporary Use Permit

Other (Please State) _____

I hereby make application to the City of Hapeville, Georgia for the above referenced property. I do hereby swear or affirm that the information provided here and above is true, complete and accurate, and I understand that any inaccuracies may be considered just cause for invalidation of this application and any action taken on this application. I understand that the City of Hapeville, Georgia, reserves the right to enforce any and all ordinances. I further understand that it is my/our responsibility to conform with all of City of Hapeville's Ordinances in full. I hereby acknowledge that all requirements of the City of Hapeville shall be adhered too. I can read and write the English language and/or this document has been read and explained to me and I have full and voluntarily completed this application. I understand that it is a felony to make false statements or writings to the City of Hapeville, Georgia pursuant to O.C.G.A. 16-10-20 and I may be prosecuted for a violation thereof.

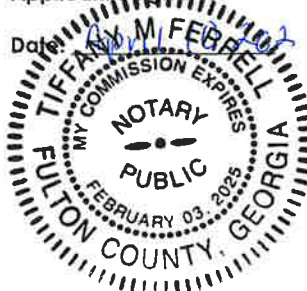
Applicant's signature

Date: April 13

Sworn to and subscribed before me

This 10th day of April, 2023

Notary Public



CITY OF HAPEVILLE
ECONOMIC DEVELOPMENT DEPARTMENT
PLANNING COMMISSION APPLICATION

WRITTEN SUMMARY

In detail, provide a summary of the proposed project in the space provided below. (Please type or print legibly.)

The proposed will be personal care home (PCH)

The facility will be fully staffed with the
Luncheon according to the state law.

The property already have a sign, we will
use the same with a different name.

The property size use SF 7500

3-6 CNA Day shift

3 CNA Evening shift

2 CNA Night shift

1 cook per shift

A Haint Nounce person

14 Parking spaces

Residents between 24 to 35

CITY OF HAPEVILLE
ECONOMIC DEVELOPMENT DEPARTMENT
PLANNING COMMISSION APPLICATION

AUTHORIZATION OF PROPERTY OWNER

I CERTIFY THAT I AM THE OWNER OF THE PROPERTY LOCATED AT:

601 Coleman Street

Hapeville, GA 30354

City of Hapeville, County of Fulton, State of Georgia

WHICH IS THE SUBJECT MATTER OF THIS APPLICATION. I AUTHORIZE THE APPLICANT NAMED BELOW TO ACT AS THE APPLICANT IN THE PURSUIT OF THIS APPLICATION FOR PLANNING COMMISSION REVIEW.

Name of Applicant

Donovan Christie, MD

Address of Applicant

4514 Chamblee Dunwoody Rd Atlanta, GA 30338

Telephone of Applicant

[REDACTED]

Donovan Christie, MD

Signature of Owner

Donovan Christie, MD

Print Name of Owner

Personally Appeared Before Me this 10th day of April, 2023.

Samia Elaine Hughes
Notary Public

EX 09/24/2024

SAMIA ELAINE HUGHES
NOTARY PUBLIC
Fulton County
State of Georgia
My Commission Expires SEPTEMBER 24, 2024

Site Plan Checklist – Please include with your application.

A site plan is used to determine the practical ability to develop a particular property within the City of Hapeville. Information relating to environmental condition, zoning, development impact, consistency with the Hapeville Comprehensive Plan and relevant town master plans will be considered in the decision process. To be considered, a site plan **must** contain the following information:

(Please **initial** each item on the list above certifying the all required information has been included on the site plan)

- ☒ A brief project report shall be provided to include an explanation of the character of the proposed development, verification of the applicant's ownership and/or contractual interest in the subject site, and the anticipated development schedule. Please complete and submit all forms contained within the application for site plan review.
- ☒ Site plans shall be submitted indicating project name, applicant's name, adjoining streets, scale, north arrow and date drawn.
- ☒ The locations, size (sf) and height (ft) of all existing and proposed structures on the site. Height should be assessed from the base of the foundation at grade to the peak of the tallest roofline.
- ☒ Site plans shall include the footprint/outline of existing structures on adjoining properties. For detached single-family residential infill development, the front yard setback shall be assessed based on the average setback of existing structures on adjoining lots. Where practical, new construction shall not deviate more than ten (10) feet from the average front yard setback of the primary residential structure on an adjoining lot. Exemption from this requirement due to unnecessary hardship or great practical difficulty can be approved at the discretion of the Planning Commission. To be considered for an exemption, the applicant must submit a "Request for Relief" in writing with their site plan application, including the conditions that necessitate relief (i.e. floodplain, wetland encroachment, excessive slope, unusual lot configuration, legally nonconforming lot size, unconventional sitting of adjoining structures, etc).

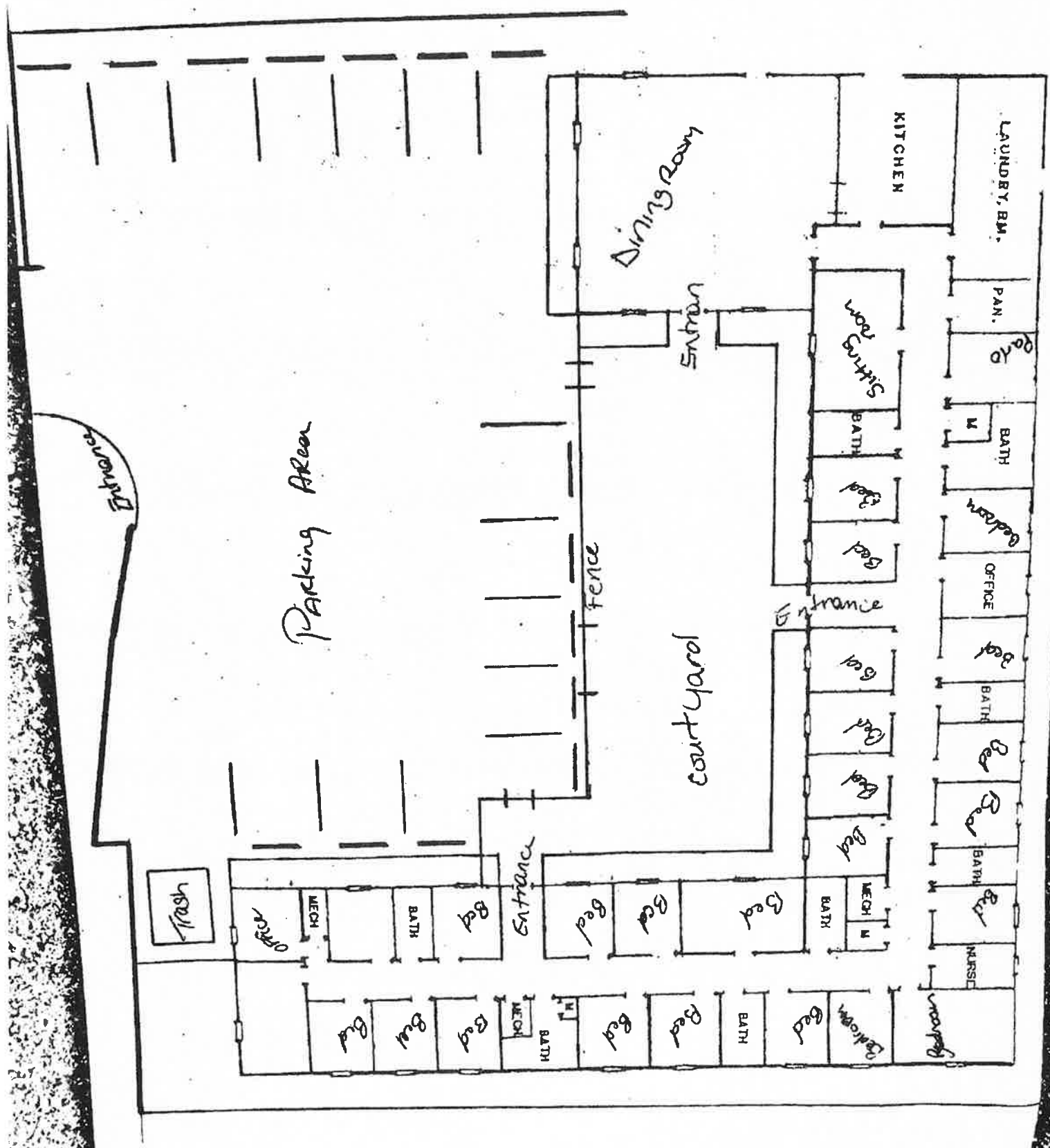
- 100 The location and general design cross-section characteristics of all driveways, curb cuts and sidewalks including connections to building entrances. A walkway from the primary entrance directly to the public sidewalk is required for all single-family residential development.
- 102 The locations, area and number of proposed parking spaces. Please refer to Article 22.1 Chart of Dimensional Requirements to determine the correct number of parking spaces for your particular type of development.
- 100 Existing and proposed grades at an interval of five (5) feet or less.
- 100 The location and general type of all existing trees over six (6) inch caliper and, in addition, an identification of those to be retained. Requirements for the tree protection plan are available in Code Section 93-2-14(f). Please refer to Sec. 93-2-14(y) to determine the required tree density for your lot(s).
- 100 A Landscape Plan: The location and approximate size of all proposed plant material to be used in landscaping, by type such as hardwood deciduous trees, evergreen trees, flowering trees and shrub masses, and types of ground cover (grass, ivies, etc.). Planting in parking areas should be included, as required in Section 93-23-18.
- 100 The proposed general use and development of the site, including all recreational and open space areas, plazas and major landscape areas by function, and the general location and description of all proposed, outdoor furniture (seating, lighting, telephones, etc.). Detached single-family residential development may be exempt from this requirement.
- 100 The location of all retaining walls, fences (including privacy fences around patios, etc.) and earth berms. Detached single-family residential development may be exempt from this requirement.
- 100 The identification and location of all refuse collection facilities, including screening to be provided. Detached single-family residential development may be exempt from this requirement.

- ~~10~~ Provisions for both on-site and offsite storm-water drainage and detention related to the proposed development.
- ~~10~~ Location and size of all signs. Detached single-family residential development may be exempt from this requirement.
- ~~10~~ Typical elevations of proposed building provided at a reasonable scale (1/8" = 1'0") and include the identification of proposed exterior building materials. Exterior elevations should show all sides of a proposed building.
- ~~10~~ Site area (square feet and acres).
- ~~10~~ Allocation of site area by building coverage, parking, loading and driveways, and open space areas, including total open space, recreation areas, landscaped areas and others. Total dwelling units and floor area distributed generally by dwelling unit type (one-bedroom, two-bedroom, etc.) where applicable.
- ~~10~~ Floor area in nonresidential use by category. Detached single-family residential development may be exempt from this requirement.
- ~~10~~ Total floor area ratio and/or residential density distribution.
- ~~10~~ Number of parking spaces and area of paved surface for parking and circulation
- ~~10~~ At the discretion of the planning commission, analyses by qualified technical personnel or consultants may be required as to the market and financial feasibility, traffic impact, environmental impact, storm water and erosion control, etc. of the proposed development.

Please **initial** each item on the list above certifying the all required information has been included on the site plan, sign and submit this form with your site plan application. Failure to include this form and information required herein may result in additional delays for the consideration of your application.

Applicant Signature: _____

Date 4-7-23





**DEPARTMENT OF PLANNING AND ZONING
PLANNER'S REPORT**

Date May 1, 2023
To: Adrienne Senter
From: Lynn Patterson
RE: **Special Use Permit – 601 Coleman Street, Lonise Dorante**

BACKGROUND

The City of Hapeville received a request for a Special Use Permit from Lonise Dorante to operate a “personal care home” within an existing structure located at 601 Coleman Street. A conditional use permit was approved in 2022 for a personal care home for StacyAnn Winn Barnes. The structure previously operated as a nursing home. A hand-drawn site plan, not to scale, shows the property has fourteen spaces. The parking lot may include two handicapped spaces, however, these are not shown on the site plan provided. The application also refers to the property size as 7,500 SF which is assumed to be the square footage of the building, but this is not clear. The applicant has indicated the number of residents between 25 and 34. Thirteen (13) staff are expected to serve the facility, including 3-6 CNAs during the day, 3 CNAs during the evening, 2 CNAs at night, 1 cooks, and 1 maintenance.

The property is zoned V, Village, and is within the A-D, Arts District Overlay.

Personal care homes are permitted as a Special Use within the V Zoning District and are subject to the provisions of Article 3.2 below:

CODE

Sec. 93-1-2. - Definitions.

Dwelling. A building, or portion thereof, designed, arranged or used mainly for residential occupancy, but not including trailers, mobile homes or recreation vehicles.

Nursing home. Any facility for the aged, recuperating, or chronically ill persons who need medical care or medical monitoring in which three or more persons not related to the operator are kept or provided with food and shelter or care for compensation for 24 hours per day; but not including hospitals, clinics, or similar institutions devoted primarily to the diagnosis and treatment of the sick or injured.

Personal care home. Any dwelling, whether operated for profit or not, which undertakes through its ownership or management to provide or arrange for the provision of housing, food service, and one or more personal services for two or more adults who are not related to the owner or administrator by blood or marriage. The term "personal services" includes but is not limited to, individual assistance with or supervision of self-administered medication, assistance with ambulation and transfer, and essential activities of daily living such as eating, bathing, grooming, dressing, and toileting.

ARTICLE 11.1. - V ZONE (VILLAGE)

Sec. 93-11.1-1. - Intent.

The V district is established in order to:

- (1) Accommodate a mixed-use, urban fabric that preserves neighborhood scale;
- (2) Accommodate residents in the district with pedestrian access to services and employment typical of a live/work community;
- (3) Promotes neighborhoods established near shopping and employment centers;
- (4) Encourage pedestrian and neighborhood uses in the commercial area;
- (5) Discourage land uses, which are automobile or transportation related;
- (6) Exclude industrial uses such as manufacturing, processing and warehousing;
- (7) Promote retail and related commercial uses such as business offices, florists, card shops antiques, apparel and banks; and
- (8) Encourage mixed use with commercial uses on the first floor and residential living above.

Sec. 93-11.1-5. - Special uses.

The following uses require a special use permit, in accordance with sections 93-3.2-5 and 93-3.2-6, in any V zone:

- (1) Nursing Home
- (2) Personal care homes, subject to the restrictions in section [93-2-21].

ARTICLE 3.2. - CONDITIONAL USES

Sec. 93-28-7.5. - Residential uses.

The maximum number of dwelling units in a single building shall not be limited, provided that no development shall exceed 50 units. The parking requirement for such uses shall be one space for each dwelling unit. No minimum lot area shall apply in the arts district overlay provided all other development standards of this article are met.

A variance was approved in April 2022 for 14 parking spaces.

Sec. 93-3.2-1. - Permit required.

Zoning districts established herein permit certain uses which are allowable therein provided they meet specified conditions, as set forth therein and here. No such use shall be permitted until a conditional use permit has been issued authorizing such use. The procedures for granting such permits shall be the same as for amendments to the zoning ordinance or zoning map.

Sec. 93-3.2-2. - Review of applications.

Those conditions specified in the zoning district regulations shall be considered to be the minimum standards which must be met before the conditional use application may be considered by the planning commission for review and recommendation and the mayor and council for decision. In deciding upon whether or not a conditional use meets the minimum standards and promotes the health, safety, morals, or general welfare of the city, the mayor and council shall utilize the applicable standards of review of section 93-25-6.

Sec. 93-3.2-3. - Issuance of permit.

If the mayor and council, after applying the evidence to the standards of review, have been convinced that the allowance of the conditional use will promote the health, safety, morals, or general welfare of the city, a conditional use permit may be granted, subject to those provisions that may be imposed by the mayor and council.

Sec. 93-3.2-4. - Procedures regarding delays in use of condition.

If a building permit, grading permit or occupation tax permit has not issued and construction (if any is necessary) begun within a 12-month period after such conditional use is approved, the conditional use may be withdrawn at a meeting of the mayor and council. The mayor and council may then reinstate the prior zoning

district and regulations. In the alternative, the mayor and council may extend the conditional use for 12 months and any number of subsequent 12-month periods by only one such period at a time.

Sec. 93-3.2-5. - Special use permit procedures.

Mayor and council may in considering a special use permit following a public hearing impose reasonable conditions deemed necessary to the protection or benefit of owners of adjacent and nearby properties to ensure compatibility of the proposed development or use with surrounding uses. The decision of mayor and council concerning consideration of a special use shall be given to the applicant in writing, by certified U.S. mail to the address indicated in the application. Aggrieved applicants shall have 30 calendar days from the date of receipt of the notice in which to petition the superior court of Fulton County for writ of certiorari.

REVIEW

Sec. 93-3.2-6. - Special use permit criteria and standards.

- (a) *Special use permit criteria.* Special uses are compatible uses of land or the improvement of structures within a zoning district that reasonably require special consideration and therefore, are not allowed "by right." The following standards shall be considered in evaluating the appropriateness of all proposed special uses of property:
- (1) Impact on the use or development of adjacent properties, or the surrounding area, as concerns public health, safety or general welfare;
Use of the property as a personal care home should have no negative impact on the use or development of adjacent properties or the surrounding area as concerns public health, safety or general welfare. The property is operating as a personal care home and previously operated as a nursing home.
 - (2) Capacity of the lot to accommodate the use and satisfy the dimensional requirements of the ordinance;
The Code does not provide guidance for dimensional requirements placed on personal care homes. The minimum space per dwelling unit for personal care homes is mandated by state law as 80 square feet; the provided floor plan does not detail square footage. The use would occupy an existing structure and as such would not be required to meet the setback requirements of the Village district. The facility would provide 14 parking spaces.
 - (3) Compatibility with adjacent properties and land uses in the vicinity;
Personal care homes are a residential use, which are compatible with the Village district and the Arts District Overlay.
 - (4) Potential nuisance or hazardous characteristics, specifically as concerns the number of individuals projected to use such facility or nature of the activity;
The applicant has indicated the number of residents as between 25 and 34. The number of residents is limited to those imposed by State law and the occupancy load as determined by the fire marshal during his inspection of the facility.
 - (5) Impact on traffic movement, availability of off-street parking, options for buffering or protective screening, hours and manner of operation, lighting, signs and access to the property; and
Sufficient parking is not provided off-street for the facility if classified as a personal care home, however a variance was granted by the Board of Appeals in 2022 for a reduction of required parking for this use.
 - (6) Conformance of the special use to other requirements of the ordinance.
See below

Sec. 93-2-21. - Use regulations regarding personal care homes.

- (a) Personal care homes, as defined herein, may be permitted in any RMU, V, U-V, C-R, N-C, C-1 and C-R zone, subject to special use permit and the following conditions:
- (1) Any exterior modifications to an existing structure or construction of a new structure shall be consistent with the character of the surrounding area;
No exterior modifications have been proposed at this time.
 - (2) The personal care home provides on-site parking and/or drop-off space adequate to meet the needs of the proposed facility;
Per the provided floor plan and site plan, the site has 14 off-street parking spaces. The Board of Appeals approved a variance for reduction in parking for this site while used as a personal care home in April 2022.

- (3) The personal care home provides to the Hapeville fire and police departments a current list of residents living in the facility who have disabilities, and information concerning special needs, so as to ensure each resident's safety and evacuation from the premises in the event of a fire or other emergency within the home; and

The applicant must furnish this information to the Hapeville fire and police departments with every new admission to the facility.

- (4) The personal care home has obtained all federal and/or state permits or licenses required for its operation.

The applicant must provide copies of all relevant federal and/or state permits to the Department of Community Services prior to obtaining a Certificate of Occupancy.

RECOMMENDATION

The proposed use may be more akin to that of a nursing home rather than a personal care home and should be clarified. In either case, the use is compatible with the Village Zoning District and poses no foreseeable conflict with the intent of the district. The special use application is recommended for approval with the following conditions:

1. The number of total residents should meet any limits imposed by State law.
2. The number of all occupants, including guests and staff, should be restricted by the occupancy load as determined by the fire marshal during his inspection of the facility pursuant to its acquisition of an Occupational Tax Permit.
3. The owner must furnish a list of all residents living in the facility with disabilities and special needs to the Hapeville Police and Fire Departments with every new admission to the facility.
4. The owner must provide copies of all relevant federal and/or state permits to the Department of Community Services prior to obtaining the Occupational Tax Permit.

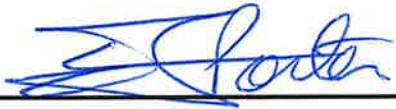
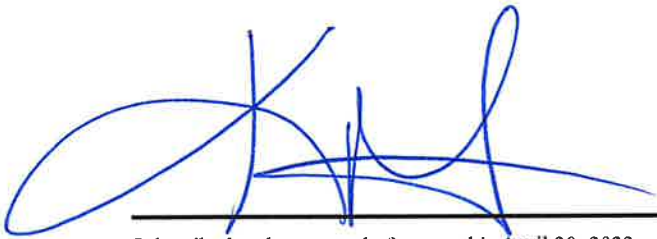


CITY OF HAPEVILLE
3468 NORTH FULTON AVENUE
ATLANTA, GA 30354

PUBLISHER'S AFFIDAVIT

STATE OF GEORGIA
COUNTY OF FULTON

Before me, the undersigned, a Notary Public, this day personally came the undersigned who, being duly sworn, according to law, says she is an agent of ALM Media, LLC., publishers of the **Daily Report**, the official newspaper published in Atlanta, GA, in said county and state, and that the publication, of which the annexed is a true copy, was published in said newspaper as provided by law on the following dates: 04/20/2023.


_____

Subscribed and sworn to before me this April 20, 2023



NOTICE
City of Hapeville

A Public Hearing will be held by the City of Hapeville Mayor and Council **on Tuesday, May 16, 2023 at 6:00 p.m.** at the City of Hapeville Municipal Annex located at 700 Doug Davis Drive, Hapeville, Georgia 30354. The meeting will be made available to the public by live streaming only via teleconference/videoconference in accordance with O.C.G.A. § 50-14-1(g) at <https://ga-hapeville3.civicplus.com/562/Agendas-and-Minutes> to consider the following:

Consideration of a Special Use Permit to operate a personal care home at 601 Coleman Street, Parcel Identification Number 14-0099-0003-120-6. The property is zoned V, Village and is subject to the zoning regulations under Section 93-11.1-5 (Special uses) of the City of Hapeville Zoning Ordinance.
Applicant: Donise Dorante

Public Hearing Comments: For those who are unable to physically attend the meeting, citizen comments must be emailed to the City Clerk at ssteed@hapeville.org or called in at 404-766-3004 no later than 5:00 p.m. on May 15, 2023. When emailing or verbally delivering your comment to the City Clerk, please include your name, address, the agenda item, and the comment for or against the item. All comments submitted to the City Clerk will be read into the record during the meeting. Citizens may not make comments on public hearing agenda items via teleconference/videoconference.
#0000658617:4/20-1AS



Brian Wismer, Chairman
Lucy Dolan, Vice Chairman
G. Leah Davis
Rob Hall
Miller Radford
Jeanne Rast
Cliff Thomas

**Planning Commission Meeting
700 Doug Davis Drive
Hapeville, Georgia 30354**

May 9, 2023 6:00 PM

SUMMARY MINUTES

1. Called to Order at 6:05 PM.

2. Roll Call

Brian Wismer, Chairman
Lucy Dolan, Vice Chairman
G. Leah Davis
Rob Hall - Absent
Miller Radford
Jeanne Rast
Cliff Thomas

MOTION ITEM: Lucy Dolan made a motion to amend the agenda to add discussion of the proposed development moratorium to New Business, Item 5. IV. Leah Davis seconded the motion.

3. Approval of Minutes

3.I. Minutes of April 11, 2023

MOTION ITEM: Cliff Thomas made a motion to approve the minutes of April 11, 2023, as submitted. Lucy Dolan seconded the motion. Motion carried: 5-0.

4. Old Business

4.I. 3034, 3038, and 3044 Springdale Road

Site Plan Review

Background:

Zain Farishta of Kimley-Horn requested site plan review to construct 59 single-family attached homes at 3034, 3038, and 3044 Springdale Road (Parcel ID: 14-0099-0001-088-7, 14-0099-0001-023-4, 14-0099-0001-022-6) for the purpose of constructing a townhome development. The properties are zoned V, Village. *This item was tabled at the April 11, 2023 meeting.*

The proposed project includes three and four bedroom units ranging in size from 1,936 SF to 2,147. The heights provided are 35' and the site includes 12 guest parking spaces, and a tree save area.

The applicant stated that any issues related to fire access and installation of the required 8" water line.

Findings

The site plan provided has the following deficiency per Code:

- Include driveway cross section.

At the previous Planning Commission review, the Planning Commission did not request a traffic study. Per the City Engineer, this should be included in the final motion as well as whether the Planning Commission will require accel/decel lanes. Staff recommended conditional approval based upon resolution of the above items and any outstanding Arborist comments.

Public Comments (Via Email):

Carolyn Routh, 2132 Argo Drive, does not support the development.

Joan Shorter does not support the development.

Tyler Tarwater, 3364 Sunset Avenue, supports the development.

Katherine Beno-Valencia does not support the development.

Brett Reichert, 3420 Harding Avenue, does not support the development.

Carole Augris, 3040 Oakdale Road, does not support the development.

Peggy Hardy, 201 Victoria Lane, does not support the development.

MOTION ITEM: Cliff Thomas made a motion to approve the site plan for 3034, 3038, and 3044 Springdale Road provided the applicant submits the required cross sections. In addition, a traffic study is not required. Lucy Dolan seconded the motion. Motion carried: 5-0.

5. New Business

5.I. 601 Coleman Street

Special Use Permit

Background:

Lonise Dorante requested a Special Use Permit to operate a personal care home at 601 Coleman Street, Parcel Identification Number 14-0099-0003-120-6. The property is zoned V, Village and is subject to the zoning regulations under Section 93-11.1-5 (Special uses) of the City of Hapeville Zoning Ordinance.

A conditional use permit was approved in 2022 for a personal care home for StacyAnn Winn Barnes. The structure previously operated as a nursing home. A hand-drawn site plan, not to

scale, shows the property has fourteen spaces. The parking lot may include two handicapped spaces, however, these are not shown on the site plan provided. The application also refers to the property size as 7,500 SF which is assumed to be the square footage of the building, but this is not clear. The applicant has indicated the number of residents between 25 and 34. Thirteen (13) staff are expected to serve the facility, including 3-6 CNAs during the day, 3 CNAs during the evening, 2 CNAs at night, 1 cook, and 1 maintenance.

The applicant stated the proposed use is for a personal care home offering non-medical assistance, meal preparation, bathing, and assisted living. Staff will include LPNs, RNs, CNAs. Certified staff to dispense medicine will be onsite daily.

Recommendation

The proposed use may be more akin to that of a nursing home rather than a personal care home and should be clarified. In either case, the use is compatible with the Village Zoning District and poses no foreseeable conflict with the intent of the district. The special use application is recommended for approval with the following conditions:

1. The number of total residents should meet any limits imposed by State law.
2. The number of all occupants, including guests and staff, should be restricted by the occupancy load as determined by the fire marshal during his inspection of the facility pursuant to its acquisition of an Occupational Tax Permit.
3. The owner must furnish a list of all residents living in the facility with disabilities and special needs to the Hapeville Police and Fire Departments with every new admission to the facility.
4. The owner must provide copies of all relevant federal and/or state permits to the Department of Community Services prior to obtaining the Occupational Tax Permit.

Public Comment: None.

MOTION ITEM: Jeanne Rast made a motion to recommend to the Mayor and Council approve the special use permit request to operate a personal care home at 601 Coleman Street subject to the deficiencies outlined in the Staff reports. Cliff Thomas seconded the motion.

Motion carried: 5-0.

5.II. 260 Birch Street

Site Plan Review

Background:

Daniel Love representative for Thomas Davis III requested site plan review to construct a single-family dwelling at 260 Birch Street, Parcel Identification Number 14-0094-0009-124-7. The property is zoned R-1, One Family Residential.

The proposed two-story 2,305 SF dwelling will have four bedrooms and three bathrooms and a rear side entry attached garage. The lot is currently vacant.

Recommendation:

Prior to approval, the Applicant must provide, and/or the site plan must be revised to address the following:

- ***Development schedule***
- ***Outstanding items on the arborist report.***

In addition, the applicant should understand the building elevations will be reviewed by the Design Review Committee for compliance with the Architectural Design Standards and changes may be required.

With resolution of these items and any others the Planning Commission may deem necessary, approval of the site plan is recommended.

Public Comment: None.

MOTION ITEM: Cliff Thomas made a motion to approve the site plan application for 260 Birch Street subject submittal of the development schedule and any outstanding items on the arborist report. Lucy Dolan seconded the motion. Motion carried: 5-0.

5.III. 0 Colville Avenue

Site Plan Review

Shanon Michael Hudson requested site plan review to construct a single-family dwelling at 0 (3356) Colville Avenue, Parcel Identification Number 14-0098-0008-018-8. The property is zoned R-SF, Residential Single Family.

The proposed dwelling is a 2,555 SF single family residence with an attached 2 car garage and has 5 bedrooms and 4 ½ baths. The height of the residence is 34'.

The applicant stated that the plans would be revised to meet the setback requirements, but the front porch would remain 6' as submitted.

Recommendation:

Prior to approval, the Applicant must provide, and/or the site plan must be revised to address the following:

- *The side setback is shown as 6.8' (a 5' setback is indicated). Side yards on corner lots require the same side setback as the front. The Applicant must either adjust the building (shift to the south) or request a variance.*
- *The front porch is also shown as 6' deep and Design Standards require 8' depth. The correct porch dimension would encroach on the front setback and may impact the north setback as well.*
- *Show rear setback dimensions.*
- *Revise tree conservation plan per arborist report.*
- *Provide individual impervious surface coverage.*

- *Update a development schedule.*

In addition, the applicant should understand the building elevations will be reviewed by the Design Review Committee for compliance with the Architectural Design Standards and changes may be required.

Upon remedy of the aforementioned deficiencies (with particular attention paid to setback encroachment of the dwelling), the site plan is compliant. A variance for encroachment in the side setback would require conditional approval from the Planning Commission.

Public Comment: None.

Motion Item: Jeanne Rast made a motion to approve the site plan request for 0 Colville Avenue subject to the following:

1. **Must ensure that the house is outside of the 15' setback and easement on Willingham Drive.**
2. **Show rear setback dimensions.**
3. **Revise tree conservation plan per the arborist report.**
4. **Provide individual impervious surface coverage.**
5. **Update the development schedule.**

In addition, the Commission recommends the Design Review Committee grant a design exception to allow a 6' front porch. Lucy Dolan seconded the motion. Motion carried: 5-0.

5.IV. Discussion of Development Moratorium

The City has experienced a recent rapid increase in multifamily developments over the last several years. The growth is placing an added burden on public utilities, public infrastructure, public safety services, and has caused an increase in traffic congestion. Mayor and Council recognizes there may be negative impacts to health, safety and welfare to the citizens of the city and the burdens on the city should the City not take immediate measures to protect against additional commercial and residential multifamily housing developments. Mayor and Council request the Planning Commission review, comment, and consider action on the drafted ordinance to restrict review and approval of Multifamily Developments for a period of no less than 6 months.

In all, the Commission expressed the following concerns related to the proposed moratorium including property rights, the Comprehensive Planning process, demonstrated need for the moratorium, next steps, and larger implications to Hapeville's desired growth.

Should the City be concerned with the legality and concerns of taking away property rights with such a moratorium?

The City is following the Comprehensive Plan which outlined the need for density. The plan was created by the community and why wasn't this brought up during the most recent comp plan

update led by the Atlanta Regional Commission in 2022? The interest from developers allows the Comp Plan to come to fruition which is the intention. Many communities develop Comp Plans and just wait, and no one shows up to create the vision. How much land is really left for large developments?

In addition, the Commission wanted to know what evidence is there that the public infrastructure and public safety and traffic are overburdened. Is this a real concern or just public opinion by a few? The Commission has requested traffic studies on large projects and has received no negative reports. Fire and Community Services review projects and have not indicated anything to the contrary to Planning Commission. What is the plan of action for the 6 months? Will there be a staff-led study or an outside study? Why aren't departments asking in the annual budgets for what they need re: equipment, personnel, infrastructure if it is necessary?

What will happen next once information on infrastructure, public safety and traffic are presented. Will the moratorium be extended? There is a housing shortage in Metro Atlanta and more housing is needed (contrary to last whereas on page 1). To get the services people want (like a grocery store), we need a bigger population base.

In addition, there were concerns over potential for bad press. The city has just been highlighted as a top 10 city / city making great development strides. What message does this send?

The Planning Commission is asking the Council to consider the above questions carefully prior to instituting a moratorium on multi-family housing, townhomes, duplexes, and multiplexes.

6. Next Meeting Date – June 13, 2023 at 6:00 p.m.

7. Adjourn

MOTION ITEM: Lucy Dolan made a motion to adjourn the meeting at 7:08 p.m. Leah Davis seconded the motion. Motion carried: 5-0.

Respectfully submitted by,

Brian Wismer, Chairman

Adrienne Senter, Secretary



CIVILITY PLEDGE

The way we govern ourselves is often as important as the positions we take. Our collective decisions will be better when differing views have had the opportunity to be fully vetted and considered. All people have the right to be treated with respect, courtesy and openness. We value all input. We commit to conduct ourselves at all times with civility and courtesy to each other.

ALAN HALLMAN
MAYOR

MIKE RAST
ALDERMAN AT LARGE

BRETT REICHERT
COUNCILMAN AT
LARGE

MARK ADAMS
COUNCILMAN WARD I

CHLOE ALEXANDER
COUNCILMAN WARD II

MAYOR AND COUNCIL REGULAR SESSION

Join in person at 700 Doug Davis Drive, Hapeville, GA 30354 Or, visit the City's Website for live stream at
<https://ga-hapeville3.civicplus.com/562/Agendas-and-Minutes>

May 2, 2023 6:00 PM

MINUTES

1. **CALL TO ORDER:** by Mayor Hallman at 6:04 PM
2. **ROLL CALL:** All Members of Council were present which constituted a quorum.
 - ✓ Alan Hallman
 - ✓ Mike Rast
 - ✓ Brett Reichert
 - ✓ Mark Adams
 - ✓ Chloe Alexander
3. **WELCOME:** Mayor Hallman welcomed all to the May 2nd Meeting.
4. **PLEDGE OF ALLEGIANCE:** The pledge of allegiance was recited in unison.
5. **INVOCATION:** Given by Reverend Johnnetta Johnson
6. **PRESENTATIONS:** None
7. **PUBLIC HEARING:** None
8. **QUESTIONS ON AGENDA ITEMS:** None
9. **CONSENT AGENDA:**
 - 9.I. Consideration and Action to approve the April 18th Council Meeting minutes.
 - 9.II. Consideration and Action to approve the April 18th Executive Session minutes.

MOTION: Councilman Adams made a motion to approve the consent agenda, Councilman Alexander provided the second. **Motion carried 4-0.**
10. **OLD BUSINESS:** None
11. **NEW BUSINESS:**
 - 11.I. Consideration and Action to accept a \$70,000 grant from Georgia Recreation and Parks Association by way of the Georgia Department of Education.

MOTION: Councilman Adams made a motion to accept a \$70,000 grant from Georgia Recreation and Parks Association by way of the Georgia Department of Education, Alderman Rast provided the second. **Motion carried 4-0.**
 - 11.II. Consideration and Action to approve the Corbett Group, LLC in the amount of \$ 75,300 for a new asphalt walking track at John R. Lewis Memorial Park and approve all necessary documents from Fulton County.

MOTION: Councilman Alexander made a motion to approve the Corbett Group, LLC in the amount of \$ 75,300 for a new asphalt walking track at John R. Lewis Memorial Park and approve all necessary documents from Fulton County, Councilman Adams provided the second. **Motion carried 4-0.**

- 11.III. Consideration and Action on Financing Bank and Financing Terms on Two (2) New Vehicles for the Police Department.

MOTION: Alderman Rast made a motion to approve the Financing Bank and Financing Terms on Two (2) New Vehicles for the Police Department, Councilman Reichert provided the second. **Motion carried 4-0.**

- 11.IV. Discussion on the City of Hapeville Wayfinding and Placemaking Signage.

Background:

In 2019, the City of Hapeville was awarded a Livable Centers Initiative (LCI) Investment Policy Studies Grant from the Atlanta Regional Commission. The study formulated wayfinding, streetscape, design guidelines and signage plan to encourage efficient and safe movement of pedestrians, bicycles and vehicles in, through and around the City of Hapeville. As part of the study process, public outreach meetings were held to receive input for design and other recommendations.

Included in your packet tonight are designs for city limit entry signs, street concept signs, banners, and wayfinding signs and a draft project timeline. Staff is requesting input from the Council and recommending the City to move forward with the wayfinding and placemaking project.

DISCUSSION: Planning & Economic Development Manager, Adrienne Senter presented an overview of designs for the Wayfinding and Placemaking signage to the Governing Body. Ms. Senter thanked Councilman Reichert for offering locations to place banners along Virginia Avenue. She stated that the Main Street Board plans to come before Council with a proposal to place signs along North Central and possibly South Central. Ms. Senter displayed new Hapeville sign renderings, which would replace and update the existing entry signs along North and South Central at I-75, North Central Avenue at I-85, Willingham Drive, Luke Loop Road, and possibly a sign near the new Public Works Facility along South Central Avenue. She indicated that the Initiative Investment Policy study proposed replacing the City's current street signs and updating them to include the new city logo and, additionally, adding wayfinding signage to guide visitors to downtown, city facilities, shopping, parks, etc.

Ms. Senter further stated that the packet did not include street limit signs. However, staff is proposing placing those in the RFP packets, which would return before Council for approval. She informed Council that although the Hapeville Intersection Monument signs were separate from the original plan, with Council's approval, staff is proposing moving forward with placing the signage on the portals. Ms. Senter noted that since the signs are already there and fabricated. The build-out to add signage could be a 60-day process.

The presentation ended with Ms. Senter detailing the following steps: draft the RFP in July, which would be reviewed by legal and placed before Council for review. The RFP will be issued in September, with the project award in December and fabrication and installation in the first quarter of next year.

This was a discussion item only; No action was taken. **Council reached a consensus to have staff proceed forward with the wayfinding and placemaking sign project.**

- 11.V. Discussion of Fiscal Year 2023/2024 Budget Preview.

DISCUSSION: City Manager, Tim Young specified to Council that Staff is diligently working on the 2023-2024 Fiscal Year budget. He noted that the preview draft would be available for public view within two weeks, and the first reading of the budget will be on the June 6th meeting agenda. He indicated he wanted to give the Governing Body and the public a view of the current budget status, highlighting key requests, issues, and proposed initiatives. Mr. Young explained that the current budgeted expenditure for this year for the general funds is \$19,552,000. However, in the draft 22-24 budget, with \$21.8 million in expenditure. Mr. Young noted the key figures driving that increase of \$2.3 million, with one of the most significant items being a wholesale upgrade to the Police Department fleet. He further stated

that currently, The Police Department has about 28 vehicles that are 2013 and younger, with six of them being currently replaced and two additionally on their way. That would still be 21 vehicles that need to be replaced. Due to this Staff is requesting to replace all those vehicles. That would be \$1.5 million of expenditure.

Additionally, he stated that Staff is looking at an increase in expenditures of about \$500,000 for Public Works. The primary source is the completion of building the new Public Works site on South Central Ave. He points out that there is some latitude there, depending on the Council's decision, where the construction can be extended. Mr. Young plans to meet with the Community Service Director, Lee Sudduth, to discuss this further. He stated that he would update Council regarding their discussion. Mr. Young noted that if construction is pushed out to the corresponding building on Perkins, he could match up the tax revenues. He reiterated that would be Council's decision and that Staff would make a further recommendation at the next meeting.

This was a discussion item only; No action was taken.

- 12. CITY MANAGER REPORTS:** City Manager, Tim Young spoke about the Following items:
- The Spin the District cycling race over the weekend was a successful and wonderful event.
 - The Splash Pad is on track and will be opening on June 1st. Staff will conduct community engagement input to name the new splash pad.
- 13. PUBLIC COMMENTS:**
1. Susan Bailey
 2. Melvin Traynum
 3. Linda Williams
- 14. MAYOR AND COUNCIL COMMENTS:**
- Councilman Alexander thanked the Atl District for listening to the feedback from the community and hosting a successful event. She stated that the event seems to get bigger and better each year.
- Alderman Rast made no comments at this time.
- Councilman Adams echoed the sentiments of Councilman Alexander regarding the Spin the District event. He stated that he spoke with ATL District, who informed him that there were 17 countries represented and 34 States—expressing that the event was a tremendous success, with 300 participating riders.
- Councilman Reichert thanked the Police Department for participating in the Hapeville Elementary "Lunch with Law Enforcement." He stated that events like the aforementioned give kids a positive look on the City Law Enforcement. Councilman Reichert noted that the school would host a Career Day and encouraged Staff to attend if possible. He also thanked the Community Service Department for additional work involving the clean sweep.
- Mayor Hallman echoed the remarks of the Council. He stated that although he was out of town this weekend, he heard great things about the Spin the District event. Mayor Hallman noted that the ATL district did a great job with that event. Mayor Hallman congratulated Alderman Mike Rast, who celebrated his youngest daughter's wedding this past weekend.
- 15. EXECUTIVE SESSION:** An Executive Session was not conducted at this meeting.
- 16. ADJOURN:**
- MOTION:** Councilman Alexander made a motion to adjourn at 7:00PM, Alderman Rast provided the second. **Motion carried 4-0**

Respectfully submitted,

Alan Hallman, Mayor

Sharee Steed, City Clerk

2023-2024 Classic Main Street MOU Memorandum of Understanding

5/1/2023

This document should be signed by all local parties
(ACR, Board Chair, and Main Street Program Manager)
by **July 3, 2023**

Please email ellen.hill@dca.ga.gov with any questions.

GEORGIA CLASSIC MAIN STREETS PROGRAM MEMORANDUM OF UNDERSTANDING

2023 -2024 Program Year

This agreement is entered into and executed by the Georgia Department of Community Affairs Office of Downtown Development (hereinafter referred to as "DCA"), the City/Town of Hapeville, Georgia (hereinafter referred to as "Community"), the Local Main Street Program Board of Directors, and the Downtown Manager for the Community. DCA will enter into this agreement with the above parties to provide services in return for active and meaningful participation in the Georgia Classic Main Streets Program by the Community as specified below.

This agreement outlines the necessary requirements set forth by DCA for the Community's participation in the Georgia Classic Main Streets Program for the stated term. DCA is the sponsoring state agency for the Georgia Classic Main Street program and is licensed by the National Main Street Center (hereinafter referred to as "National Program") to designate, assess, and recommend for accreditation Main Street programs within the State of Georgia.

In recognition of the agreement by DCA, the Community, the Board of Directors, and the Downtown Manager to maintain an active Local Main Street Program, the parties have agreed to the following:

ARTICLE 1: THE COMMUNITY AGREES TO—

1. Appoint or contract with an entity to serve as the Board of Directors for the local Main Street Program. The city council may not serve as the Main Street Board.
2. Set and review boundaries for the target area of the local Main Street Program.
 - A. A copy of these boundaries should on file with DCA, and uploaded to the Main Street Boundary Map file in your program's shared DCA Dropbox folder at all times.
 - B. The Community should work with the Board of Directors to review boundaries at least once every three years.
3. Employ a full-time paid professional downtown manager responsible for the daily administration of the local Main Street Program.
 - A. The downtown manager must have a job description that identifies at least 75% of their duties that relate directly to the Main Street program. A copy of the job description should remain on file with DCA at all times.
 - B. The downtown manager should be paid a salary consistent with other community and economic development professionals within the state. The program manager's salary must be paid in excess of minimum wage.
 - C. The Community must notify DCA within one week of any downtown manager vacancy and the Community must appoint an interim downtown manager until the position is filled. DCA must have accurate contact information for the downtown manager at all times.
 - D. Provide an annual evaluation of the downtown manager. If the manager is employed by an entity other than the local government, require that entity to provide an annual evaluation and performance review.
4. Provide for local Main Street Program solvency through a variety of direct and in-kind financial support.
 - A. If the downtown manager is an employee of the local Main Street Program and not the Community, the Community assures that the program has the financial means to pay for said manager for the period of this agreement.
 - B. The local Main Street program must maintain an identifiable and publicly accessible office space. DCA recommends this space to be in the local Main Street program area.
 - C. The local Main Street program must have sufficient funding to provide travel and training for the downtown manager and the Board of Directors.
5. Assist the downtown manager in compiling data required as part of the monthly reporting process.
 - A. Provide for a positive relationship between the downtown manager and key city staff to access the following information in a timely manner:
 - i. Business license data
 - ii. Building permit data
 - iii. Property tax data
 - iv. Geographic Information Systems data (mapping support when available)
 - B. Review reported data submitted by the downtown manager to assure accuracy.

6. Use the “Main Street America™” name in accordance with the National Main Street Policy on the use of the name Main Street.
7. Notify DCA in writing prior to any wholesale changes in the local program, including staff changes, major funding changes, change in organizational structure/placement of the program or major turnover in the board of directors. Such notice should be received by DCA one month prior to said changes. Changes may result in program probation, the loss of accreditation or removal of program designation.

ARTICLE 2: THE BOARD OF DIRECTORS AGREES TO—

1. Assist the downtown manager in creating an annual work plan that incorporates incremental and meaningful goals related to the Main Street Approach™ to downtown revitalization: Community Transformation Strategies, Organization, Design, Promotion and Economic Vitality.
 - A. The work plan should include specific tasks, assignments or a point of contact for the task, related budget needs, and a timeline.
 - B. The work plan will serve as a strategic plan for the local program for a period of three years or less.
 - C. A copy of the work plan must be on file and uploaded to the Work Plan and Other Planning Documents file in the program’s shared DCA Dropbox folder and updated annually with DCA.
2. Provide opportunities for regular public engagement and support of the Local Main Street Program.
 - A. DCA recommends a public downtown visioning event/town hall meeting annually.
 - B. The Board should identify opportunities for volunteer support and assistance in executing the work plan.
 - C. The Board should actively engage the community for financial and in-kind support of the local program.
3. Conduct, at least, one board training, orientation, or planning retreat per year for the local program.
4. Meet a minimum of 10 times per year and ensure that the minutes of each meeting are maintained and distributed. Such meetings should be open to the public and public notice should be given related to meeting times and agendas.
5. Attend training to become better informed about the Main Street Approach™ and trends for downtown revitalization and to support the downtown manager. All Board Members are required to have at least 2 hours of continuing education annually.
6. All newly appointed Board Members are required to become Main Street 101 certified within their first year of their first term. All current Board Members must be Main Street 101 certified through DCA’s online testing system. A copy of each Board Member’s Main Street 101 certification must be uploaded to the Training Log file in your program’s shared DCA Dropbox folder.
7. Assure the financial solvency and effectiveness of the Local Main Street Program.
 - A. Adopt an annual budget that is adequate to support the annual work plan, maintain an office and support staff, and provide for training and travel.
 - B. Maintain current membership of the Local Main Street Program to the National Main Street Center to be eligible for accreditation.
 - C. Provide for policies to expend funds, enter into debt, and provide programming support for the local Main Street Program.

ARTICLE 3: THE DOWNTOWN MANAGER AGREES TO—

1. Complete all reporting required by DCA to maintain National Accreditation of the local Main Street Program.
 - A. Complete monthly economic and programming activity reports, including portions of said reports that are required as part of the local program assessment process by DCA. These reports must be completed by the 30th of the following month. (Example: March report due by April 30th). Failure to complete monthly reports in a timely manner may result in program probation, the loss of accreditation or removal of program designation.
 - B. Participate in the annual manager’s survey provided by DCA. Failure to complete the annual manager’s survey by the deadline may result in the loss of accreditation.
 - C. Provide documentation of all meetings, work plans, budgets, job descriptions, and mission/vision statements for the organization.
 - D. Provide documentation to support the work of the organization as it relates to the Main Street Approach™, including information related to historic preservation as required by the National Main Street Center.
 - E. Provide, from time to time, documentation related to local ordinances, plans, codes, and policies that are specific to the Community’s downtown area.
2. Participate in training to broaden the impact of the local Main Street Program.
 - A. The downtown manager and/or board members are expected to attend at least one preservation or economic development-related training annually.
 - B. DCA requires managers to attend at least 30 hours of training annually (including webinars, annual trainings,

statewide workshops, etc.) Eligible training hours can come from both DCA and non-DCA hosted training events. Training must be relevant to the field of downtown development, historic preservation, planning, community development and economic development. A record the manager's training hours must be uploaded to the Training Log file in your program's shared DCA Dropbox folder.

3. Respond to requests by DCA in a timely manner.
4. Take advantage of the Georgia Main Street network of professional downtown managers.
5. All newly hired managers must complete Main Street 101 training with DCA within the first 6 months of employment in the local community. All existing downtown managers must be Main Street 101 certified through DCA's online testing system.
6. Provide regular updates between the local Main Street Program and the Community.
 - A. Managers are encouraged to provide at least quarterly reports to the local government.
 - B. Managers are encouraged to provide copies of all minutes, budgets, and work plans to the local government in a timely manner.
7. Maintain and preserve project files. Document downtown projects and other major local program information in a thorough and systematic fashion. All relevant programmatic documentation should be uploaded and stored in the DCA shared Dropbox folder created for your local program, following the organization structure outlined in DCA's "A Visual Guide to Dropbox Management" document which is located in the "Resources" folder of the Georgia Main Street website. This is to help ensure a seamless transfer of project files to city representatives or successor manager in the event of personnel changes.

ARTICLE 4: DCA AGREES TO—

1. Supervise all communications between the Community, state government agencies and the National Main Street Center as it relates to the local Main Street Program.
2. Conduct a curriculum of training on an annual basis to assist the downtown manager, the Main Street Board, and the Community with the local downtown revitalization program.
3. Assist local Main Street Programs with organizational issues that may prevent the successful progress of the Community's downtown revitalization strategy.
 - A. DCA may assist communities in selecting candidates for the position of downtown manager as requested.
 - B. DCA may require a local Main Street Program to host an on-site assessment visit if the program has had a major leadership or organization change, is currently in a probationary status, or is in jeopardy of losing accreditation or designation status.
4. Provide timely assistance and guidance to the Community as a result of requests for service, monthly reports, or the annual assessment process.
 - A. DCA may contact a community upon observation of monthly reporting abnormalities, missing data or missing reports. If a community becomes delinquent in multiple reports, DCA may contact the local board chair or city administrator about the delinquency.
 - B. DCA may assist in training local staff or volunteers in the reporting process.
 - C. DCA will provide unlimited telephone consultations with local programs.
 - D. DCA will attempt to provide on-site assistance as feasible.
5. Provide ongoing press coverage of the Georgia Classic Main Streets Program, including social media outreach, to recognize and publicize the work of local programs.
6. Provide access to resource materials, sample codes and ordinances, organizational documents, and templates for local programs.
7. Conduct an annual program assessment for the Community highlighting success and opportunities for improvement.
8. Provide economic development assistance to encourage small business development, real estate development and property rehabilitation within the downtown area.
9. Provide fee based strategic planning assistance to the local program.

ARTICLE 5: ALL PARTIES AGREE THAT—

1. This agreement shall be valid through June 30, 2024.
2. This agreement may be terminated by DCA or the Community by written notice of 60 days. Termination of this agreement by the Community will result in the loss of local Main Street designation. Communities that choose to terminate their Georgia Classic Main Streets Program affiliation will be required to formally apply for and participate in the Start-Up process if they desire to regain their National Accreditation in the future.

3. If the Community, Board of Directors and/or Downtown Manager fail to fulfill their obligations set forth in this agreement, DCA reserves the right to determine a course of action for the local Main Street Program as it deems appropriate. Such course may include probation, loss of accreditation or termination of designation.
4. If at any point during the 2023-2024 program year there is a change in the local program manager, the local program is required to submit a new MOU including the new manager's signature certifying that person's understanding of the requirements of this relationship.
5. Any change in the terms of this agreement must be made in writing and approved by both parties.

####

**GEORGIA CLASSIC MAIN STREET PROGRAM MEMORANDUM
OF UNDERSTANDING: 2023-2024 Program Year**

THIS AGREEMENT IS HEREBY EXECUTED BY AND BETWEEN THE PARTIES BELOW:

LOCAL GOVERNMENT (COMMUNITY): Hapeville

Alan Hallman

Alan Hallman (May 1, 2023 15:59 EDT)

Authorized City Representative (ACR) Signature

05/01/2023

Date

Alan Hallman

ACR Name Printed

Mayor

ACR Title

MAIN STREET BOARD OF DIRECTORS

Board Chair Signature

Date

Board Chair Printed Name

Date Term Expires

DOWNTOWN MANAGER

Rashida Cloud

Rashida Cloud (May 2, 2023 07:48 EDT)

Manager's Signature

05/02/2023

Date

Rashida Cloud

Manager Printed Name

03/13/2023

Date Hired

☐ Please check here if this position is vacant.

GEORGIA DEPARTMENT OF COMMUNITY AFFAIRS
OFFICE OF DOWNTOWN DEVELOPMENT
GEORGIA MAIN STREET PROGRAM

ODD Director's Signature

Date

Jessica Worthington
Director, Office of Downtown Development
Georgia Department of Community Affairs
60 Executive Park South, NE
Atlanta, Georgia 30329

Phone: 404-520-4271
Email: Jessica.worthington@dca.ga.gov

**STATE OF GEORGIA
CITY OF HAPEVILLE**

ORDINANCE NO. _____

AN ORDINANCE THAT ENACTING A MORATORIUM RELATING TO COMMERCIAL AND RESIDENTIAL MULTIFAMILY HOUSING; TO INCLUDE HORIZONTAL AND VERTICAL APARTMENTS, TOWNHOMES, DUPLEX AND MULTIPLEX DEVELOPMENTS FOR AN INDEFINITE PERIOD NOT TO EXCEED SIX MONTHS; TO PROVIDE FOR SEVERABILITY; TO REPEAL CONFLICTING ORDINANCES; TO PROVIDE AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

WHEREAS, the municipal government of the City of Hapeville (hereinafter “City”), has been vested with substantial powers, rights and functions under O.C.G.A. § 36-35-3 to adopt ordinances or regulations relating to property within its city’s limit; and

WHEREAS, the municipal government of the City and all powers of the City shall be vested in the Mayor and Council. The mayor and council are vested with the authority to regulate the practices, conduct or use of property to maintain the health, safety and general welfare of the City of Hapeville; and

WHEREAS, Georgia state law recognizes that the City may impose a moratorium as an emergency measure to protect and preserve the status quo when acting on behalf of the public welfare and to ensure the provision of public safety and health; and

WHEREAS, the City has experienced a recent rapid increase of multifamily developments over several years which has placed a burden on public utility, public infrastructure, public safety services, and has caused increase in traffic congestion; and

WHEREAS, the Mayor and Council recognizes the negative impact to health, safety and welfare to the citizens of the City and the burdens on the City should the City not take immediate measures to protect against additional commercial and residential multifamily housing developments; and

WHEREAS, the City has a strong interest in regulating growth management so as to lessen the burden on public utility, public infrastructure, public safety services and traffic congestion. The City imposes land use regulations to maintain orderly and safe operation of the city and to protect the citizens of the City; and

WHEREAS, the Mayor and Council recognizes that there exists an adequate number of multifamily developments in the City for the current and future citizens, and that current multifamily developments, authorized prior to the adoption of this ordinance are unaffected by this moratorium; and

WHEREAS, the Mayor and Council recognizes that substantial and irreparable harm would result to the citizens of the City if the City does not regulate the current land use procedures and impose a moratorium on multifamily housing in the City; and

WHEREAS, the Mayor and Council desire revision of the City's Planning Commission practices and procedures, such that a limited cessation of development and building permits, and other licenses, applications, and variances related to multifamily housing developments, which include horizontal and vertical apartments, townhomes, duplexes, and multiplexes, is imposed in the City, and such limited cessation is reasonable and within the public interest for the citizens of the City and the City.

NOW, THEREFORE, BE IT, AND IT IS HEREBY ORDAINED BY THE MAYOR AND COUNCIL OF THE CITY OF HAPEVILLE:

Section One. Moratorium On Multifamily Housing. The City does hereby enact a moratorium for an indefinite period, not to exceed six (6) months, to allow the City Manager and staff to adequately study, review and evaluate and devise a recommendation to Mayor and Council regarding the impact of increased multifamily housing developments in the City.

During the six (6) month moratorium period, no zoning applications, no applications for any development permits, variances, or licenses or other permits of any kind (including occupational tax licenses) shall be accepted by the City or any of its Departments, Commissions or Boards pertaining to multifamily housing developments; to include horizontal and vertical apartments, townhomes, duplexes and multiplexes uses to be located or operated on any property located within the City of Hapeville, Georgia. Any such applications tendered and/or submitted to the City or any Department, Commission, or Board during this moratorium period shall not be accepted, considered, nor acted upon by the City, nor any Department, Commission, or Board thereof. Should an application be accepted, in error, during the moratorium period, such application shall be deemed null and void and have no effect whatsoever and shall constitute no assurance of any right to engage in any act or action related to the development of multifamily housing developments. Reliance on any such permit shall be unreasonable.

This moratorium shall have no effect upon approvals of permits for multifamily housing developments previously issued or as to development plans previously approved by the City prior to the effective date of this Ordinance. Property owners who claim to have a vested right, pursuant to the laws of the State of Georgia, to obtain a permit for multifamily development must submit a written application for exception to the City Manager for submission and consideration by Mayor and Council. The written application for exception must include verified supporting documentation of the facts and data that support their claim of vested right, and request for exception to the moratorium.

Section Two. Codification. This Ordinance shall be codified in a manner consistent with the laws of the State of Georgia and the City.

Section Three. Severability.

(a) It is hereby declared to be the intention of the Mayor and Council that all sections, paragraphs, sentences, clauses and phrases of this Ordinance are or were, upon their enactment, believed by the Mayor and Council to be fully valid, enforceable and constitutional.

(b) It is hereby declared to be the intention of the Mayor and Council that, to the greatest extent allowed by law, each and every section, paragraph, sentence, clause or phrase of this Ordinance is severable from every other section, paragraph, sentence, clause or phrase of this Ordinance. It is hereby further declared to be the intention of the Mayor and Council that, to the greatest extent allowed by law, no section, paragraph, sentence, clause or phrase of this Ordinance is mutually dependent upon any other section, paragraph, sentence, clause or phrase of this Ordinance.

(c) In the event that any phrase, clause, sentence, paragraph or section of this Ordinance shall, for any reason whatsoever, be declared invalid, unconstitutional or otherwise unenforceable by the valid judgment or decree of any court of competent jurisdiction, it is the express intent of the Mayor and Council that such invalidity, unconstitutionality or unenforceability shall, to the greatest extent allowed by law, not render invalid, unconstitutional or otherwise unenforceable any of the remaining phrases, clauses, sentences, paragraphs or sections of the Ordinance and that, to the greatest extent allowed by law, all remaining phrases, clauses, sentences, paragraphs and sections of the Ordinance shall remain valid, constitutional, enforceable, and of full force and effect.

Section Four. Repeal of Conflicting Ordinances. All ordinances and parts of ordinances in conflict herewith are hereby expressly repealed.

Section Five. Effective Date. The effective date of this Ordinance shall be the date of adoption unless otherwise stated herein.

BE IT SO ORDAINED this _____ day of _____, 2023.

CITY OF HAPEVILLE, GEORGIA

Alan H. Hallman, Mayor

ATTEST:

City Clerk

APPROVED IN FORM BY:

City Attorney



Brian Wismer, Chairman
Lucy Dolan, Vice Chairman
G. Leah Davis
Rob Hall
Miller Radford
Jeanne Rast
Cliff Thomas

**Planning Commission Meeting
700 Doug Davis Drive
Hapeville, Georgia 30354**

May 9, 2023 6:00 PM

SUMMARY MINUTES

1. Called to Order at 6:05 PM.

2. Roll Call

Brian Wismer, Chairman
Lucy Dolan, Vice Chairman
G. Leah Davis
Rob Hall - Absent
Miller Radford
Jeanne Rast
Cliff Thomas

MOTION ITEM: Lucy Dolan made a motion to amend the agenda to add discussion of the proposed development moratorium to New Business, Item 5. IV. Leah Davis seconded the motion.

3. Approval of Minutes

3.I. Minutes of April 11, 2023

MOTION ITEM: Cliff Thomas made a motion to approve the minutes of April 11, 2023, as submitted. Lucy Dolan seconded the motion. Motion carried: 5-0.

4. Old Business

4.I. 3034, 3038, and 3044 Springdale Road

Site Plan Review

Background:

Zain Farishta of Kimley-Horn requested site plan review to construct 59 single-family attached homes at 3034, 3038, and 3044 Springdale Road (Parcel ID: 14-0099-0001-088-7, 14-0099-0001-023-4, 14-0099-0001-022-6) for the purpose of constructing a townhome development. The properties are zoned V, Village. *This item was tabled at the April 11, 2023 meeting.*

The proposed project includes three and four bedroom units ranging in size from 1,936 SF to 2,147. The heights provided are 35' and the site includes 12 guest parking spaces, and a tree save area.

The applicant stated that any issues related to fire access and installation of the required 8" water line.

Findings

The site plan provided has the following deficiency per Code:

- Include driveway cross section.

At the previous Planning Commission review, the Planning Commission did not request a traffic study. Per the City Engineer, this should be included in the final motion as well as whether the Planning Commission will require accel/decel lanes. Staff recommended conditional approval based upon resolution of the above items and any outstanding Arborist comments.

Public Comments (Via Email):

Carolyn Routh, 2132 Argo Drive, does not support the development.

Joan Shorter does not support the development.

Tyler Tarwater, 3364 Sunset Avenue, supports the development.

Katherine Beno-Valencia does not support the development.

Brett Reichert, 3420 Harding Avenue, does not support the development.

Carole Augris, 3040 Oakdale Road, does not support the development.

Peggy Hardy, 201 Victoria Lane, does not support the development.

MOTION ITEM: Cliff Thomas made a motion to approve the site plan for 3034, 3038, and 3044 Springdale Road provided the applicant submits the required cross sections. In addition, a traffic study is not required. Lucy Dolan seconded the motion. Motion carried: 5-0.

5. New Business

5.I. 601 Coleman Street

Special Use Permit

Background:

Lonise Dorante requested a Special Use Permit to operate a personal care home at 601 Coleman Street, Parcel Identification Number 14-0099-0003-120-6. The property is zoned V, Village and is subject to the zoning regulations under Section 93-11.1-5 (Special uses) of the City of Hapeville Zoning Ordinance.

A conditional use permit was approved in 2022 for a personal care home for StacyAnn Winn Barnes. The structure previously operated as a nursing home. A hand-drawn site plan, not to

scale, shows the property has fourteen spaces. The parking lot may include two handicapped spaces, however, these are not shown on the site plan provided. The application also refers to the property size as 7,500 SF which is assumed to be the square footage of the building, but this is not clear. The applicant has indicated the number of residents between 25 and 34. Thirteen (13) staff are expected to serve the facility, including 3-6 CNAs during the day, 3 CNAs during the evening, 2 CNAs at night, 1 cook, and 1 maintenance.

The applicant stated the proposed use is for a personal care home offering non-medical assistance, meal preparation, bathing, and assisted living. Staff will include LPNs, RNs, CNAs. Certified staff to dispense medicine will be onsite daily.

Recommendation

The proposed use may be more akin to that of a nursing home rather than a personal care home and should be clarified. In either case, the use is compatible with the Village Zoning District and poses no foreseeable conflict with the intent of the district. The special use application is recommended for approval with the following conditions:

1. The number of total residents should meet any limits imposed by State law.
2. The number of all occupants, including guests and staff, should be restricted by the occupancy load as determined by the fire marshal during his inspection of the facility pursuant to its acquisition of an Occupational Tax Permit.
3. The owner must furnish a list of all residents living in the facility with disabilities and special needs to the Hapeville Police and Fire Departments with every new admission to the facility.
4. The owner must provide copies of all relevant federal and/or state permits to the Department of Community Services prior to obtaining the Occupational Tax Permit.

Public Comment: None.

MOTION ITEM: Jeanne Rast made a motion to recommend to the Mayor and Council approve the special use permit request to operate a personal care home at 601 Coleman Street subject to the deficiencies outlined in the Staff reports. Cliff Thomas seconded the motion.

Motion carried: 5-0.

5.II. 260 Birch Street

Site Plan Review

Background:

Daniel Love representative for Thomas Davis III requested site plan review to construct a single-family dwelling at 260 Birch Street, Parcel Identification Number 14-0094-0009-124-7. The property is zoned R-1, One Family Residential.

The proposed two-story 2,305 SF dwelling will have four bedrooms and three bathrooms and a rear side entry attached garage. The lot is currently vacant.

Recommendation:

Prior to approval, the Applicant must provide, and/or the site plan must be revised to address the following:

- ***Development schedule***
- ***Outstanding items on the arborist report.***

In addition, the applicant should understand the building elevations will be reviewed by the Design Review Committee for compliance with the Architectural Design Standards and changes may be required.

With resolution of these items and any others the Planning Commission may deem necessary, approval of the site plan is recommended.

Public Comment: None.

MOTION ITEM: Cliff Thomas made a motion to approve the site plan application for 260 Birch Street subject submittal of the development schedule and any outstanding items on the arborist report. Lucy Dolan seconded the motion. Motion carried: 5-0.

5.III. 0 Colville Avenue

Site Plan Review

Shanon Michael Hudson requested site plan review to construct a single-family dwelling at 0 (3356) Colville Avenue, Parcel Identification Number 14-0098-0008-018-8. The property is zoned R-SF, Residential Single Family.

The proposed dwelling is a 2,555 SF single family residence with an attached 2 car garage and has 5 bedrooms and 4 ½ baths. The height of the residence is 34'.

The applicant stated that the plans would be revised to meet the setback requirements, but the front porch would remain 6' as submitted.

Recommendation:

Prior to approval, the Applicant must provide, and/or the site plan must be revised to address the following:

- *The side setback is shown as 6.8' (a 5' setback is indicated). Side yards on corner lots require the same side setback as the front. The Applicant must either adjust the building (shift to the south) or request a variance.*
- *The front porch is also shown as 6' deep and Design Standards require 8' depth. The correct porch dimension would encroach on the front setback and may impact the north setback as well.*
- *Show rear setback dimensions.*
- *Revise tree conservation plan per arborist report.*
- *Provide individual impervious surface coverage.*

- *Update a development schedule.*

In addition, the applicant should understand the building elevations will be reviewed by the Design Review Committee for compliance with the Architectural Design Standards and changes may be required.

Upon remedy of the aforementioned deficiencies (with particular attention paid to setback encroachment of the dwelling), the site plan is compliant. A variance for encroachment in the side setback would require conditional approval from the Planning Commission.

Public Comment: None.

Motion Item: Jeanne Rast made a motion to approve the site plan request for 0 Colville Avenue subject to the following:

1. **Must ensure that the house is outside of the 15' setback and easement on Willingham Drive.**
2. **Show rear setback dimensions.**
3. **Revise tree conservation plan per the arborist report.**
4. **Provide individual impervious surface coverage.**
5. **Update the development schedule.**

In addition, the Commission recommends the Design Review Committee grant a design exception to allow a 6' front porch. Lucy Dolan seconded the motion. Motion carried: 5-0.

5.IV. Discussion of Development Moratorium

The City has experienced a recent rapid increase in multifamily developments over the last several years. The growth is placing an added burden on public utilities, public infrastructure, public safety services, and has caused an increase in traffic congestion. Mayor and Council recognizes there may be negative impacts to health, safety and welfare to the citizens of the city and the burdens on the city should the City not take immediate measures to protect against additional commercial and residential multifamily housing developments. Mayor and Council request the Planning Commission review, comment, and consider action on the drafted ordinance to restrict review and approval of Multifamily Developments for a period of no less than 6 months.

In all, the Commission expressed the following concerns related to the proposed moratorium including property rights, the Comprehensive Planning process, demonstrated need for the moratorium, next steps, and larger implications to Hapeville's desired growth.

Should the City be concerned with the legality and concerns of taking away property rights with such a moratorium?

The City is following the Comprehensive Plan which outlined the need for density. The plan was created by the community and why wasn't this brought up during the most recent comp plan

update led by the Atlanta Regional Commission in 2022? The interest from developers allows the Comp Plan to come to fruition which is the intention. Many communities develop Comp Plans and just wait, and no one shows up to create the vision. How much land is really left for large developments?

In addition, the Commission wanted to know what evidence is there that the public infrastructure and public safety and traffic are overburdened. Is this a real concern or just public opinion by a few? The Commission has requested traffic studies on large projects and has received no negative reports. Fire and Community Services review projects and have not indicated anything to the contrary to Planning Commission. What is the plan of action for the 6 months? Will there be a staff-led study or an outside study? Why aren't departments asking in the annual budgets for what they need re: equipment, personnel, infrastructure if it is necessary?

What will happen next once information on infrastructure, public safety and traffic are presented. Will the moratorium be extended? There is a housing shortage in Metro Atlanta and more housing is needed (contrary to last whereas on page 1). To get the services people want (like a grocery store), we need a bigger population base.

In addition, there were concerns over potential for bad press. The city has just been highlighted as a top 10 city / city making great development strides. What message does this send?

The Planning Commission is asking the Council to consider the above questions carefully prior to instituting a moratorium on multi-family housing, townhomes, duplexes, and multiplexes.

6. Next Meeting Date – June 13, 2023 at 6:00 p.m.

7. Adjourn

MOTION ITEM: Lucy Dolan made a motion to adjourn the meeting at 7:08 p.m. Leah Davis seconded the motion. Motion carried: 5-0.

Respectfully submitted by,

Brian Wismer, Chairman

Adrienne Senter, Secretary